

Notice of Allowability

Application No.

10/562,978

Examiner

Nizal S. Chandrakumar

Applicant(s)

KOTAY NAGY ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 11, 13, 14 and 17-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

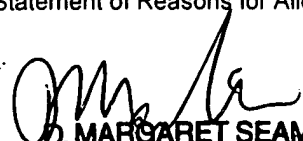
* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other ____


D. MARGARET SEAMAN
PRIMARY EXAMINER

Application/Control Number:
10/562,978
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DETAILED ACTION

This application filed 12/29/2005 is a 371 of PCT/HU04/00069 06/30/2004; HUNGARY P 0302029
07/02/2003 HUNGARY P 0401269 06/23/2004

Applicants responses filed 12/13/2007 AND 01/30/2008 is acknowledged.

Telephone Interview:

Following the telephone conversation with Applicant's representative Thomas J. Siepmann (703)-205-8079, on 01/11/2008, applicants provided amended claim list on 012/18/2008 which was further amended and on 01/23/2008. Supplemental claims was filed 01/30/2008.

Response to Applicant's Remarks:

Claim Rejections - 35 USC § 103

Reconsideration of the claims in view of the applicant's amendments to the claims and applicant's remarks and stated Objected Evidence of Unexpected Results overcome the previously presented rejections over Lifshitz-Liron et al. (see below).

Claim Rejections - 35 USC § 112

Applicants amendments overcome the previously presented Claim Rejections - 35 USC § 112-2.

Double-Patenting:

Claims of copending application read on the same subject matter. The co-pending application 10/563133 effective filing date is 01/03/2006.

Filing date of the instant application is 12/29/2005.

Allowable Subject Matter

Claims 11, 13-14, 17-21 are allowed.

The following is an examiner's statement of reasons for allowance: The claims are drawn to process of preparation of clopidogrel hydrogensulfate. The instant method differs from the method known in the prior art in that in the instant case non-protic solvents are used as solvents allowing for the use of smaller amounts of anti-solvents. The instantly claimed process of preparation consistently provides for this stable amorphous form of clopidogrel hydrogensulfate in higher yield, in consistent manner compared to the prior art method of Lifshitz-Liron et al. (WO 03/051362 A2).

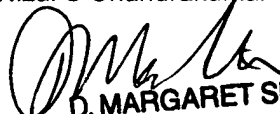
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nizal S. Chandrakumar whose telephone number is 571 272 6202. The examiner can normally be reached on 8.30 AM - 4.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 5710272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nizal S Chandrakumar


D. MARGARET SEAMAN
PRIMARY EXAMINER